

NISSAN NORTH AMERICA, INC.,)
)
Plaintiff)
)
v.) Docket No. 3:19-cv-00450
)
ATS AUTOMATION GLOBAL SERVICES)
USA, INC.; ATS ASSEMBLY AND TEST,)
INC.,)
)
Defendants.)

Defendants ATS Automation Global Services USA, Inc. and ATS Assembly and Test, Inc. (collectively, “Defendants”), together with Plaintiff Nissan North America, Inc. (“Plaintiff”), by and through counsel, respectfully ask the Court to suspend all remaining deadlines in the Initial Case Management Order until the parties have conducted mediation. For cause, the parties would state as follows.

2. In preparation for the mediation, the parties conducted targeted discovery. The parties agreed upon an electronic discovery protocol and exchanged voluminous documents. In addition, each party deposed one fact witness believed to be a central player associated with the opposing party. Although additional written and oral discovery will be required in order to prepare the case for trial, the parties

believe that they have now discovered sufficient information to set the stage for successful mediation.

3. Unfortunately, the world looks quite different today than it did when the parties scheduled their mediation. Defendants' representatives with settlement authority are located in Canada. Although they had planned to travel to Nashville for the mediation, Canadian authorities have warned against such international travel due to the Covid-19 pandemic. Moreover, the parties have no way of knowing what restrictions on travel and activity may be in place one week from now and whether an in-person mediation would be otherwise feasible or advisable at that time.

4. The parties agree that mediation is much more likely to be successful if all parties are physically present. Accordingly, they have agreed to postpone their mediation until it can be safely conducted in person. The parties intend to reschedule the mediation as soon as circumstances will allow.

5. The Initial Case Management Order in this case [Doc. 16] prescribes various deadlines which are unattainable given the disruption caused by the coronavirus.

6. In order to preserve the efficiencies of mediation and due to the extraordinary and unforeseen circumstances of this time, the parties wish to suspend all unexpired deadlines in the Initial Case Management Order and have new deadlines assigned if and when mediation is unsuccessful.

For the foregoing reasons, the parties ask the Court to suspend the deadlines in the Initial Case Management Order pending the outcome of mediation.

Respectfully submitted this 19th day of March, 2020.

PAINE, TARWATER, and BICKERS, LLP

/s/ Dwight E. Tarwater

Dwight E. Tarwater (BPR # 007244)

det@painetar.com

Lindsey M. Collins (BPR # 033426)
lmc@painerwater.com
900 South Gay Street, Suite 2200
Knoxville, Tennessee 37902
(865) 525-0880
*Attorneys for ATS Automation Global
Services USA, Inc. and ATS Assembly
and Test, Inc.*

LEADER, BULSO & NOLAN, PLC

/s/ George Nolan
George Nolan (BPR # 14794)
gnolan@leaderbulso.com
414 Union Street, Suite 1740
Nashville, Tennessee 37219
(615) 780-4114
*Attorneys for Plaintiff, Nissan North America,
Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing has been properly served on the following in the manner specified:

Via CM/ECF
George Nolan
Leader, Bulso & Nolan, PLC
414 Union Street, Suite 1740
Nashville, Tennessee 37219
gnolan@leaderbulso.com

This the 19th day of March, 2020.

/s Dwight E. Tarwater
Dwight E. Tarwater